

REMARKS

Applicant thanks the Examiner for acknowledging Applicant's claim to foreign priority under 35 U.S.C. § 119(a)-(d), and for confirming that the certified copy of the priority document has been received at the Patent Office. Further, Applicant thanks the Examiner for initialing the references listed on the PTO-1449 form submitted with the application, thereby confirming that these references have been considered.

Drawings:

Applicant respectfully submits that the Request for Approval of Proposed Drawing Correction, filed concurrently herewith, properly addresses the Examiner's objection to the drawings. The Examiner is hereby requested to approve the attached Proposed Drawing Correction in the next official action.

Specification:

The Examiner has objected to the specification of the present application, as the Abstract is not in proper form. Applicant respectfully submits a replacement Abstract, as set forth above to address the Examiner's objection.

Allowable Subject Matter:

Applicant sincerely thanks the Examiner for indicating that claims 8 and 11 would be allowable if written in independent form. However, rather than rewriting these claims, Applicant submits that these claims are allowable without amendment, in view of the discussion set forth below.

Claim Rejections:

Claims 1-18 are all the claims pending in the application, and currently claims 1-7, 9-10, and 12-18 stand rejected.

35 U.S.C. § 102(e) Rejection - Claims 1, 3-7, 10 and 14:

Claims 1, 3-7, 10 and 14 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,185,432 to Vembu. In view of the following discussion, Applicant respectfully traverses the above rejection.

The primary difference between the system disclosed in Vembu and in the present invention is in the way the systems are operated. Vembu discloses a method and system for selecting power control modes in a communication system having more than one control mode using a continuously operating control algorithm. In particular, the Vembu system the signal-to-noise ratio (SNR) is detected and used to determine which control mode is to be triggered. When the SNR is at the proper level, nothing is done, when the SNR is high the signal is adjusted down, and when the SNR is low the control algorithm determines if a quick burst of signal is needed (burst mode) or a gradual increase is needed (tracking mode). However, in Vembu, unlike the present invention, the control algorithm is operating at all times. This is very similar to the prior art already discussed in the present application, where the control algorithm is constantly on and constantly adjusting the signal. As stated in the present application, this is not desirable as sometimes it is more efficient to not adjust the signal as triggered by the control algorithm. At no point does Vembu discuss or disclose de-activating the control algorithm to optimize the system performance. Vembu only discloses continuously operating the control

algorithm to switch back and forth between different types of control modes, but at all times the control algorithm is operating.

Furthermore, with regard to the specific language of claim 1, in the flow chart depicted in Figure 3 of Vembu, in step 304 a signal is received by a receiver 112, and then the receiver 112 detects the signal and determines whether or not the SNR is at, above or below a preselected threshold 204. *See* Vembu, Figure 3, and col. 6, lines 18-33. If the SNR detected is at the required threshold 204, then there is no adjustment needed, if it is below the threshold the power is adjusted up through either the tracking mode or the burst mode, and if it is above the threshold the power is adjusted down. *See id.* at col. 6, lines 30-43. In each case, the system in Vembu operates on actually detected values of SNR through the receiver.

In the present invention, a regular estimate is conducted to see if a particular criterion is met to determine whether or not the power control algorithm should be de-activated. *See* claim 1. At no point does Vembu disclose estimating whether or not a control criterion is met, and then using that estimate to determine whether or not to de-activate a power control algorithm.

Therefore, in view of the foregoing Applicant respectfully submits that Vembu fails to disclose each and every feature of the claimed invention, as claimed in claim 1, and hereby requests the Examiner to reconsider and withdraw the 35 U.S.C. § 102(e) rejection of this claim. Further, as claims 3-7, 10 and 14 depend on claim 1, these claims are also allowable, at least by reason of their dependency.

35 U.S.C. § 103(a) Rejection - Claim 2:

Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Vembu in view of U.S. Patent No. 5,982,760 to Chen. Since claim 2 depends upon claim 1 and since Chen does not cure the deficient teachings of Vembu with respect to claim 1, Applicant submits that claim 2 is patentable at least by reason of its dependency.

35 U.S.C. § 103(a) Rejection - Claims 9, 12-13, and 15-18:

Claims 9, 12-13, and 15-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Vembu in view of the Examiner's Official Notice. Since claims 9, 12-13 and 15-18 depend upon claim 1 and since the Examiner's Official Notice does not cure the deficient teachings of Vembu with respect to claim 1, Applicant submits that these claims are also patentable at least by reason of their dependency.

Claims 19 and 20:

As claims 19 and 20 have been added to the above application in this amendment, they currently do not stand rejected. With regard to these claims it is noted that in Vembu the signal to noise ratio is the control parameter used to control the signal while in a control mode (tracking or burst) and is also the parameter used to determine switching between the control modes (tracking and burst). The control algorithm, in Vembu, operates at all times, on its control parameter (the signal-to-noise ratio). In the present invention, the decision to activate or deactivate the control algorithm is not based on the same parameter used in the control, but is instead based on a different, second parameter. This is clearly reflected in newly added claims 19 and 20, and is nowhere suggested in Vembu..

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/287,264

Our Ref.: Q53917
Art Unit: 2682

Conclusion:

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,



Terrance J. Wikberg
Registration No. 47,177

SUGHRUE, MION, ZINN,
MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037-3213
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

Date: June 25, 2001

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/287,264

Our Ref.: Q53917
Art Unit: 2682

APPENDIX

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claims 19-20 are added as new claims.

IN THE ABSTRACT OF DISCLOSURE:

The original abstract has been deleted and a new Abstract has been added.